



**Public Works Department**

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December 6, 2012

California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Attn: Michael L. Nearman, Deputy Executive Director

**RE: Comments to Proposed Code Revisions to the California Building Code**

Dear Mr. Nearman:

The City of Fremont has reviewed the proposed code revisions to the California Building Code, specifically Section 11B-406 and respectfully submits the following comments for application in the public right-of-way for consideration.

**Proposed Code**

Section 11B-406.5.9 Clear Space proposes the following:

“Beyond the bottom grade break, a clear space 48 inches (1219mm) minimum by 48 inches (1219 mm) minimum shall be provided within the width of the pedestrian street crossing and wholly outside the parallel vehicle travel lane. At marked crossings, the clear space shall be within the markings.”

**City's comments**

The City of Fremont has been installing sidewalk bulb-outs at intersections to reduce the length of the pedestrian crossings. By requiring a clear 4' clear space at the edge of the street crossing, bulb-outs which are designed to improve pedestrian safety and accessibility would be impossible to construct. In many instances, shortened crossing distances have been shown to improve pedestrian safety and this proposal would work against that goal.

For streets that have a dedicated right turn lane adjacent to the sidewalk (without a bike lane or shoulder area), this proposal may result in a redesign of the intersection to include a 4' clear space at ramp locations. In some instances, this may lead to the need to relocate existing traffic improvements such as signals and to acquire additional right of way.

**Proposed Code**

Section 11B-406.5.3 Landings proposes the following:

“Landings shall be provided at the tops of curb ramps and blended transitions. The landing clear length shall be 48 inches (1219 mm) minimum. The landing clear width shall be at least as wide as the curb ramp, excluding any flared sides, or the blended transition leading to the landing. The slope of the landing in all directions shall be 1:48 maximum.”



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**City's comments**

For any existing sidewalk with a longitudinal slope greater than 2%, this proposed requirement of a 4' landing will require a longer reconstruction of the adjacent sidewalk. This would lead to higher cost for construction and for any additional sidewalk/construction easements needed.

In hilly areas of the City where the slope of the sidewalks are steep, complying with this proposed guideline would be virtually impossible and would require extensive regrading of the roadway and adjacent private property.

**Proposed Code**

Section 11B-406.5.8 Counter Slope proposed the following:

“Counter slopes of adjoining gutters and road surfaces immediately adjacent to and within 48 inches (1219 mm) of the curb ramp shall not be steeper than 1:20. The adjacent surfaces at transitions at curb ramps at walks, gutters, and streets shall be at the same level.”

**City's comments**

Due to previous overlays, many of the City's streets have a cross-slope greater than 5%. Complying with the new proposed guidelines will require any project installing curb ramps to potentially include extensive and costly reconstructing of the adjacent pavement. In the case of our curb ramp program, as funding is already limited, spending additional funds to reconstruct adjacent pavement will result in the City constructing or updating fewer curb ramps.

In summary, as stated above, the City has serious concerns on the proposed code changes in the public right-of-way and the impacts it would have future public works projects. They clearly are being proposed to improve ADA access but in real world applications these rules may actually prevent accessibility improvements from being added at intersections because of the unintended additional impacts. We strongly urge the commission to reconsider these changes.

Sincerely,



Norm Hughes

City Engineer/Assistant Public Works Director